

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 15-03419-CV-S-BP
)	
TIMOTHY O’LAUGHLIN,)	
)	
Defendant.)	

ORDER

Before the Court are three *pro se* Motions filed by Defendant and received by the Court on November 6, 2020. In the first motion, Defendant requests his “release from civil commitment” and to “initiate motion 18 USCS 4247(h) discharge asap.” (Doc. 67.) In the second motion, he writes, “Please initiate an order for release from civil commitment 18 USCS § 4247(h) discharge immediately and/or speedier release.” (Doc. 68.) In the third motion, Defendant similarly writes, “Initiate a court order for a release from civil commitment 18 USCS 4247(h) discharge.” (Doc. 69.) This matter has been referred to the undersigned for processing and handling. Upon review, the motions will be denied without prejudice as unauthorized by law.

Defendant is currently confined at the Federal Medical Center in Rochester, Minnesota pursuant to a civil commitment under 18 U.S.C. § 4246. On appeal, the Eighth Circuit affirmed the commitment, finding it factually supported. *See United States v. O’Laughlin*, 695 F. App’x 172 (8th Cir. 2017). As a result, Defendant may not personally file a motion for a hearing to determine whether he should be discharged. *United States v. O’Laughlin*, 934 F.3d 840, 841 (8th Cir. 2019) (Section 4247(h) requires that “motions for release from civil commitment be filed by an attorney or legal guardian for the committed person”), *cert. denied*, 140 S.Ct. 2535 (Mar. 23,

2020). Furthermore, the Federal Public Defender has been appointed to represent Defendant in this matter. Thus, Defendant has counsel, who may file a motion requesting a discharge hearing, if appropriate.

Accordingly, Defendant's *pro se* Motions (docs. 67, 68, 69) seeking discharge under 18 U.S.C. § 4247(h) are **DENIED** without prejudice as unauthorized by law. The Clerk's Office is directed to send a copy of this Order to Defendant via regular mail.

IT IS SO ORDERED.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: November 10, 2020